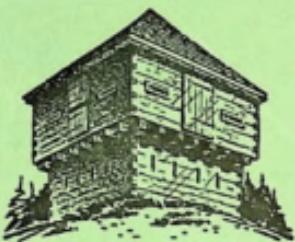


**Town of  
SCARBOROUGH  
MAINE**



**Zoning Ordinance**  
Adopted March 10, 1958

**Building Code**  
Adopted March 9, 1959

*Jodgdon*

# ZONING ORDINANCE

## **ZONING ORDINANCE**

### **OF THE**

### **TOWN OF SCARBOROUGH**

#### **SECTION 1. TITLE**

This Ordinance shall be known and may be cited as the "Zoning Ordinance of the Town of Scarborough."

#### **SECTION 2. PURPOSE**

The purpose of this Ordinance, made as a part of a comprehensive plan for the development of the Town of Scarborough, is to encourage the most appropriate use of land as a means of promoting the health, safety, morals, convenience and general welfare of the community; more specifically to lessen traffic accidents and congestion; to secure safety from fire and other dangers; to provide adequate light and air; to prevent over-crowding of land and population; to promote a wholesome and agreeable home environment; to prevent the development of unsanitary areas for housing purposes; to secure a well articulated and adequate street system; to promote a coordinated development of the unbuilt areas; to encourage the formation of neighborhood or community units; to secure an appropriate allotment of land area in new developments for all the requirements of community life; to conserve natural resources; and to facilitate the adequate provision of transportation, water, sewage and other public utilities, services and requisites. This Ordinance is made with reasonable consideration for the character of each district and its peculiar suitability for particular uses.

#### **SECTION 3. GENERAL PROVISIONS**

**A. Scope.** It is not intended by this Ordinance to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this Ordinance. Where this Ordinance imposes a greater restriction upon land, buildings or structures than is imposed or required by such existing provisions of law or ordinance, the provisions of this Ordinance shall control.

**B. Application of Regulations.** No buildings or structure shall be erected, structurally altered, enlarged, moved or used and no land shall be used unless in conformity to the regulations of this Ordinance.

**C. Establishment of Districts.** In order to carry out the provisions of this Ordinance the Town of Scarborough is hereby divided into eight (8) districts as follows:

R-1 Limited Single Residence District

R-2 Single Residence District

R-2-S Seasonal Residence District

R-3 General Residence District

RF Residence - Farm District

B-1 Local Business District

B-2 General Business District

IND Industrial District

The boundaries of these districts are hereby established as shown on a map entitled "The Zoning Map of the Town of Scarborough, dated December 1957, prepared by the Scarborough Planning Board" on file in the office of the Town Clerk, which map, as amended, with all explanatory matter thereon, shall be deemed to accompany, be, and is hereby made part of this Ordinance.

**D. Interpretation.** Where uncertainty exists with respect to the boundaries of any of the established districts as shown on the zoning map, the Board of Appeals shall determine the boundaries in accordance with common zoning practice and with consideration of the interests of the owners of the affected property.

#### **SECTION 4. DESCRIPTION OF DISTRICTS**

**A.** The buildings and uses permitted in each district, the restrictions imposed upon them, and the regulations concerning area and setback, are shown in the accompanying tables.

TABLE A — R-1 DISTRICT (LIMITED SINGLE RESIDENCE)

Permitted Buildings & Uses	Restrictions	Min. Area Requirements			Min. Setback Requirements		
		Lot size (sq. ft.)	Front per lot	Fl. area (sq. ft.)	Front	Side	Rear
Single family dwelling house & attached accessory building	No paying guests.	20,000	100'	1,200 <sup>1</sup> for all uses in this dist.	30	15	20
Home workroom or workshop	Customary home equipment only. No full time employees.			900 <sup>1</sup> seasonal			
Professional office of resident of dwelling	Within main building only.						
Church, parish house		20,000			50	50	50
School, library, museum		20,000			50	50	50
Unattached building accessory to any permitted building or use					30	10	10
Agriculture:							
Farm, truck garden, nursery	Poultry and livestock raising may be permitted by the Board of Appeals after a public hearing.						
Accessory stable, beehive, or rabbit warren	No pig enclosure shall be closer than 50 ft. to a street or property line.						

## General Restrictions in R-1 Districts

- No identification sign shall exceed 4 square ft. in area.
- No announcement sign shall exceed 30 square ft. in area.
- The light source of an illuminated sign shall be concealed or shielded.
- Offensive odors shall be restricted by proper care.

1. Exclusive of garage, porch and basement.

TABLE B — R-2 DISTRICT (SINGLE RESIDENCE) &amp; R-2S DISTRICT (SEASONAL RESIDENCE

Permitted Buildings & Uses	Restrictions	Min. Area Requirements	Min. Setback Requirements					
		Lot size (sq. ft.)	Front per lot (sq. ft.)	per D.U.	FL area	Front	Side	Rear
Single family dwelling house & attached accessory building	No restriction on the taking of paying guests.	10,000 for all	75 for all	700 <sup>1</sup>	30 <sup>2</sup>	10	20	
Home workroom or workshop	Not over 3 full time employees. All work and all storage to be within building.							
All other buildings and uses allowed in R-1 district	Same restrictions as in R-1 district.							
Educational institution, including day nursery					50	100	100	
Hospital, nursing or convalescent home	Not for care of epileptics, or drug or alcoholic patients, nor for care of feeble minded or insane, nor primarily for contagious cases.				50	100	100	
Orphanage, home for aged					50	100	100	
Charitable institution	Not correctional.				50	100	100	
Telephone exchange, transformer station	No business office. Accessory storage only.				50	50	50	
Community building	Not operated for private gain.				50	100	100	
Unattached building accessory to any permitted bldg. or use					30 <sup>2</sup>	8	10	
Park, playground								
Cemetery	Addition to existing cem. only.							

## R-2S DISTRICT (Seasonal Residence)

Single family dwelling house & attached accessory building	5,000 for all	50 for all	550 <sup>1</sup>	20	8	15
Unattached accessory building				20	8	10
All other uses permitted in R-2 district	Same restrictions as in R-2 district					

## General Restrictions in R-2 and R-2S Districts

Same restrictions as in R-1 districts.

1. Exclusive of garage, porch and basement.
2. 50 feet for properties fronting U. S. Route 1.

TABLE C — R-3 DISTRICT (GENERAL RESIDENCE)

1 or 2 family dwelling house & attached accessory building	7,000	75	700 <sup>1</sup>	20 <sup>2</sup>	10	20
Row house (3 or more units)	5,000 per unit	35 per unit	700 <sup>1</sup>	20 <sup>2</sup>	10	20
Apartment house (3 or more units)	4,000 per unit	75 per unit	650 <sup>1</sup>	20 <sup>2</sup>	20	20
Rooming house, tourist home	7,000 per guest room	following 300 main uses		20 <sup>2</sup>	10	20
Hotel, lodge, private club	10,000 per guest rm.			50 <sup>3</sup>	15	20

Permitted Buildings & Uses	Restrictions	Min. Area Requirements			Min. Setback Requirements		
		Lot size (sq. ft.)	Front per lot (sq. ft.)	Front per D.U. (sq. ft.)	Front	Side	Rear
Motel, tourist court		10,000 +2,000 per unit over 5	200 <sup>1</sup>	50 <sup>1</sup>	15	20	
Public building or property	Not over 1/3 of lot area to be covered by buildings	10,000		20 <sup>1</sup>	10	20	
Unattached building accessory to any permitted building or use	Same restrictions as in R-2 districts	10,000		20 <sup>1</sup>	8	10	
All other uses permitted in R-2 district	Not over 1/3 of lot area to be covered by buildings.			20 <sup>1</sup>	10	20	
<b>General Restrictions in R-3 Districts</b>							
Same restrictions as in R-1 district							
No public building shall be erected within 25 feet of an adjoining property occupied by a private dwelling.							
1. Exclusive of garage, porch and basement.							
2. 50 feet on private residential property fronting U.S. Route 1. For exceptions see Sec. 5, par. H.							
3. 80 feet for hotels, etc., and other uses fronting U.S. Route 1. For exceptions see Sec. 5, par. H.							
<b>TABLE D — RF DISTRICT (RESIDENCE FARM)</b>							
1 & 2 family dwelling house & attached accessory building		N.W. Me. 150 Turnpike for all 1 acre uses in S.E. Me. this Turnpike dist.	700 <sup>1</sup>	40	15	30	
Any building or use permitted in R-2 districts	Same restrictions as in R-2 district (except agriculture; see below)	1/2 acre		40	15	30	

Unattached building accessory to a permitted bldg. or use		30	15	15
Cemetery				
Golf Course				
Gravel Pits & Quarries				
Agriculture:				
Farm, truck garden, nursery Raising of poultry, livestock, bees, etc.	No pig enclosure shall be closer than 50 ft. to a street or property line. Not more than 4 pigs shall be raised at any one time.			
Livestock sales Commercial pierry Slaughtering and disposal of offal	Restricted to areas in this district northwest of the Maine Turnpike, and subject to such conditions as may be specified by the Board of Appeals to insure that such activities do not become offensive.			
House trailers and trailer courts northwest of the Maine Turnpike only.				

#### General Restrictions in RF Districts

Same restrictions as in R-1 districts.  
Not over 30% of the area of a lot used primarily for non-residential purposes shall be occupied by buildings.

1. Exclusive of garage, porch and basement.

TABLE E — B-1 DISTRICT (LOCAL BUSINESS)

Permitted Buildings & Uses	Restrictions	Min. Area Requirements	Min. Setback Requirements
All uses (except house-car trailers) permitted in the least restricted residential area adjacent to any part of the B-1 district	For Residential Buildings and Uses: Same restrictions, area, and setback requirements as apply in that residential district.		
Bakery		10,000 square feet minimum lot size for all non-residential uses.	Front: 50 ft. Side: For all bldgs. abutting a residential district 15 ft. For fire resistant bldgs. or bldgs. w/fire-resistant party walls approved by Bldg. Inspector: None. For other bldgs. 10 ft. Rear: For all bldgs. abutting a residential district, the rear setback regulation of that district shall apply. For other commercial bldgs & uses: None.
Retail Outlets: Food, including candy & dairy products, dry-goods, variety mdse., hardware, home furnishings, appliances, drugs, printed matter, stationery	No dancing or live entertainment.		
Eating place	No use of flammable solvents; no work to be done for distribution through other outlets.		
Service Establishments: Barber, beauty shop, tailor, cobbler, ice station, hand laundry, self service laundry, dry cleaning pressing			
Business offices: Real estate, insurance, telephone, bank, medical or dental clinic, professional office of lawyer, engineer, etc.			

Automotive uses: Parking lot, service station, public storage & repair garage	Washing and lubricating of vehicles to be done within the building.
Shop of printer, carpenter, or other skilled worker	All storage to be enclosed within a bldg.
Accessory buildings or uses	Only those normally or necessarily accessory to a permitted main bldg. or use.
Community or fraternal building	Not operated for private gain.
Hotel	10,000 sq. ft. minimum lot size plus 300 sq. ft. per guest room. Front 50 ft. Side 15 ft. Rear 20 ft.
Motel, tourist court	10,000 sq. ft. plus 2,000 sq. ft. per unit over 5. Minimum floor area per unit: 200 square feet. Same as hotel.

## General Restrictions in B-1 District

No goods other than those commonly used in the servicing of vehicles, may be displayed between the street and setback line.  
No sign shall exceed 50 square feet in area. Signs shall deal only with goods or services provided in the premises. The source of light of an illuminated sign must be shielded or concealed. For relaxation of these restrictions, see Section 5, par. I.  
Noise, odors and smoke shall be effectively controlled or confined to the premises.  
No building shall have a gross floor area (including basement) in excess of 50% of the area of the lot on which it is built.

TABLE F — B-2 DISTRICT (GENERAL BUSINESS)

All uses, except private dwellings, permitted in B-1 district	10,000 square feet minimum lot size for all uses except hotels, motels, etc.	Front: 50 ft. (for all properties fronting upon US Rt. 1, 80 ft; for exceptions, see Sec. 5, par. H).
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Permitted Buildings & Uses	Restrictions	Min. Area Requirements	Min. Setback Requirements
Additional retail outlets: Beverages, whether or not consumed on premises, apparel, furniture, general merchandise	Subject to State laws and other ordinances.		
Eating places	No specific restriction.		Side: Same requirements as in B-1 district.
Additional service establishments: Veterinary hospital, pet shop, kennel, telephone exchange, transformer station, radio or T.V. station	No structure, other than a fence or barrier, to be within 50 ft. of a residence district.		Rear: Same requirements as in B-1 district.
Additional business office: Office building			
Additional automotive uses: Service garage, auto laundry, open-air auto or trailer sales			
Private trade or business school			
Research laboratory			
Funeral home			
Places of recreation or assembly: Armory, assembly or dance hall, bowling alley, pool room, theater, skating rink, other social sport or recreation center operated as a business	Not to be situated within 300 ft. of property on which is built or is about to be built an elementary or high school.		
Wholesale or distributing establishment	Not more than 50% of the total floor area of the establishment to be used for other than display or sales.		
Food processing establishment	All processing to be done within building.		
Accessory buildings & uses	Only those normally or necessarily accessory to a permitted main use.		
Hotel, Motel, etc.		Same minimum area and setback requirements as in B-1 district.	
<b>General Restrictions in B-2 District</b>			
No private dwelling, except one that is accessory to the operation of a motel, hotel or other business on the premises.			
No goods other than those commonly used in the servicing of vehicles, shall be displayed between the street and setback line.			
No sign in front of the setback line shall exceed 50 square feet in area. Such a sign shall deal only with goods or services provided on the premises.			
No illuminated sign shall cause glare on a public way or on adjoining premises.			
Noise, odors and smoke shall be effectively controlled or confined to the premises.			
No building shall have a gross floor area (including basement) in excess of 50% of the area of the lot on which it is built.			
<b>TABLE G — IND DISTRICT (INDUSTRIAL)</b>			
Single family dwelling house and accessory buildings and uses		Same area and setback requirements as in R-2 districts.	
All business uses, including Hotels, etc., permitted in B-2 districts		Minimum setback requirements for all buildings and structures except single family dwellings and their accessory buildings.	

Permitted Buildings & Uses	Restrictions	Min. Area Requirements	Min. Setback Requirements
Factory		Front 50 ft.	
Warehouse		Side 25 ft.	
Transport terminal		Rear 25 ft.	
Junk yard, other storage or sale of waste material	To be enclosed on all sides by solid fence or wall, 5 ft. high, and subject to such other conditions as the Town Officers shall specify.*		

#### General Restrictions in IND District

No illuminated sign shall cause glare on a public way or on adjoining premises.  
Noise, odors and smoke shall be effectively controlled or confined to the premises.  
No building shall have a gross floor area (including basement) in excess of 50% of the area of the lot on which it is built.  
The disposal of industrial wastes into rivers, streams, ponds and inlets shall be subject to provisions of applicable State laws relating to water pollution control.  
Buildings and uses constituting fire and explosive hazards may be prohibited unless they meet such additional setback requirements as the Building Inspector shall specify.

\* See also Chap. 100, sec. 137-144, Revised Statutes of Maine, 1954, as amended.

**SECTION 5. SUPPLEMENTARY REGULATIONS**

**A. Buildings on Small Lots.** Dwellings may be erected on lots smaller than required in this Ordinance, provided that such lots were separately owned, or that subdivision plats showing such lots were recorded in the Registry of Deeds, Cumberland County, prior to the time of the passage of this Ordinance, and provided that the lots are not located within the B-2 or IND districts.

Other proposed buildings and uses which are specifically allowed in the various districts, on lots which fall to meet the area requirements of this Ordinance, may be permitted by the Board of Appeals after public hearing, provided that such lots were separately owned, or that subdivision plats showing such lots were recorded in the Registry of Deeds, Cumberland County, prior to the time of passage of this ordinance.

**B. Lots in Two or More Districts.** Where a district boundary line as established in this Ordinance and as shown on the zoning map divides a lot which was in single ownership and of record at the time of this Ordinance, the use thereon and the other district requirements applying to the less restricted portion of such lot under this Ordinance shall be considered as extending to a maximum of 50 feet beyond the district boundary into the more restricted district, provided the lot has at least 20 feet of frontage on a street in the less restricted district.

**C. Conversion of Single Family Dwelling to Two Family Dwelling.** The Board of Appeals may permit the conversion of single family dwellings to two-family dwellings in cases where such dwellings existed at the time of the enactment of this ordinance and are located in other than the R-1 District. The gross floor area (excluding basements) of the existing buildings shall not be increased more than 15% due to such conversion.

**D. Accessory Building Erected Before Main Building.** An accessory building may be erected prior to the construction of the main building only if:

- (1) The accessory building is so placed as not to prevent the conforming location of the main building.
- (2) The Building Inspector is satisfied that there is reasonable

assurance that the main building will be completed within 3 years from the date of issuance of the permit for the accessory building.

**E. Television and Radio Broadcasting Towers** may be permitted in any district by the Board of Appeals after public notice and hearing, subject to such setback regulations as the Board shall specify.

**F. No Lot, Yard, or Other Open Space**, already containing less area than the minimum required under this Ordinance shall be further divided or reduced.

**G. Essential Services**, as defined in this Ordinance, shall be permitted in all districts.

**H. Reduction of Setback Requirement.** The Board of Appeals may permit reduction of the setback requirement on U. S. Route #1 in cases where the existing buildings immediately adjacent are closer to the exterior line of the street than the above requirements, or in cases where the property is less than 160 feet deep and has been owned separately or is shown on a subdivision plat recorded in the Registry of Deeds, Cumberland County, prior to the passage of this Ordinance.

**I. Relaxation of Sign Restrictions in B-1 Districts.** When, in the opinion of the Board of Appeals, two thirds of the number of business establishments in a B-1 District pertain more to the character of a B-2 than a B-1 District, the regulations concerning signs in B-2 Districts shall apply to that District.

#### SECTION 6. NON-CONFORMING USES

The non-conforming use of any building, structure, or land existing at the time of the enactment of this Ordinance or which may become non-conforming by reason of the enactment of a subsequent amendment may be continued although such use does not conform to the provisions of this Ordinance. For such non-conforming buildings or uses the following shall apply:

**1. Repairs and Alterations.** A non-conforming building or structure may be repaired, altered, improved, or reconstructed,

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provided the number of square feet of floor area devoted to the non-conforming use is not increased.

2. **Rebuilding.** A non-conforming building or structure damaged or destroyed by fire, explosion, or Act of God may be rebuilt, provided the rebuilding is begun within one year of the disaster, and provided that the number of square feet of floor area devoted to the non-conforming use is not increased.
3. **Extensions.** A non-conforming use of a building or structure shall not be extended nor shall a non-conforming use of a part of a building or structure be extended to other parts of the building or structure unless those parts were manifestly arranged or designed for such use prior to the enactment of this Ordinance or of any amendment making such use non-conforming. A non-conforming open use of land may not be extended to any part of the remaining of the lot.
4. **Changes in Use.** A non-conforming use of a building, structure or land may be changed to another non-conforming use only when, in the opinion of the Board of Appeals, the new use is similar in character to the former use.
5. **Abandonment.** A non-conforming use of a building, structure or land which has been abandoned shall not thereafter be resumed. A non-conforming use shall be considered abandoned:
  - (a) When it has been replaced by a conforming use.
  - (b) When the non-conforming use has been discontinued for a period of one year.
  - (c) When it has been changed to another non-conforming use under permit from the Board of Appeals.
6. **Construction approved prior to Ordinance.** Nothing herein contained shall require any change in plans, construction or designated use of a building or structure for which a building permit has been issued and the construction of which shall have been diligently prosecuted within six months of the date of such permit, and which entire building shall be completed according to such plans as filed within two years from the date of enactment of this Ordinance.

Nothing herein contained shall prevent the completion of any non-conforming project for which septic tanks or other sewerage facilities have been designed and substantially completed at the time of the enactment of this Ordinance. But no non-conforming project may be expanded beyond the designed capacity of such sewerage facilities.

#### **SECTION 7. ADMINISTRATION AND ENFORCEMENT**

**A. Administrative Official.** The Building Inspector shall enforce the provisions of this Ordinance and shall issue building permits and other permits as provided below.

**B. Building Permits and Use Permits Required.** No building or part thereof shall be constructed, structurally altered, enlarged or moved unless a permit for such action has been issued by the Building Inspector. Applications for building permits required by the Building Code shall serve as applications for permits required by this Ordinance.

After the building, or part thereof, has been completed, altered, enlarged, or relocated, the Building Inspector shall issue a use permit for the proposed use before the building or part thereof may be occupied or used. During construction or alteration of a building or part thereof the Building Inspector may issue temporary use permits for periods not exceeding six months.

A use permit shall also be required for any of the following:

1. Establishment of a home occupation as permitted by the provisions of this Ordinance.
2. Establishment of a professional office in a dwelling as permitted by the provisions of this Ordinance.
3. Change in the non-conforming use of buildings or land.
4. Occupancy of any vacant land, for any purpose except the raising of crops.

**C. Industrial Permits.** No non-residential or non-agricultural building or use shall be permitted or altered in an IND District without an industrial permit, which shall be issued by the Building Inspector only when he is satisfied that there is reasonable assurance that the proposed use will not be offensive because of noise or vibration, odors or fumes, smoke or dirt, or be-

cause of fire or explosion or other danger. The Building Inspector shall be empowered to attach such conditions to the industrial permit as he may deem necessary to satisfy the intent of this section.

**D. Matter Accompanying Application.** Each application to the Building Inspector for a permit shall be accompanied by a site plan showing the measurement of the lot and of all buildings, setbacks, and parking spaces, existing and proposed. Where off-street parking required by this Ordinance is proposed on a lot other than the lot on which the building is located, a plan of the parking area shall also be provided. Where industrial sewage wastes will be produced, a full and detailed report concerning their type, quantity, and the proposed method of disposal will be provided.

#### **SECTION 8. BOARD OF APPEALS**

**A. Creation, Appointment and Organization.** Under the authority granted by Chapter 405, Section 61 of the Public Laws of Maine, 1957, as amended, a Board of Appeals is hereby created. Said Board shall consist of five members and one associate member, all of whom shall be residents of the Town of Scarborough. The members of the Board shall be appointed by the Municipal Officers for terms of five years, except that the original members shall receive appointments for one, two, three, four and five years, as respectively designated by the Municipal Officers. The members of the Board shall annually elect a chairman and secretary from its own membership. The associate member shall be appointed by the Selectmen for a term of five years. The associate member shall act in the place of any member unable to act, due to interest, absence from the state, or physical incapacity. Vacancies on the Board shall be filled by the Selectmen for the unexpired portion of the term. The members of the Board shall serve without compensation.

The Secretary shall keep minutes of its proceedings which shall show the vote of each member upon each question. All minutes and records of the Board shall be public records. All meetings of the Board shall be open to the public.

**B. Powers and Duties.** The Board of Appeals shall have all the powers and duties prescribed by Chapter 405, Section 61 of the

Public Laws of Maine, 1957, as amended, and by this Ordinance and for that purpose may, by vote of not less than four of its members, after a public hearing in each case, interpret the details of the application of this Ordinance by determining appeals from the alleged erroneous granting or refusal of permits required herein, by granting special permits in accordance with the provisions of this Ordinance and by permitting variations from the regulations so as to grant reasonable use of property where necessary to avoid confiscation and without substantially departing from the intent of this Ordinance.

**C. Appeal Procedure.** Any person aggrieved by a decision of the Building Inspector may appeal such decision to the Board of Appeals and may further appeal to the Superior Court as provided by statute.

In all cases the person aggrieved shall commence his appeal by requesting a written decision from the Building Inspector setting forth the reasons for such decision, and the Building Inspector shall comply with such request within seven days.

The appeal shall be filed in the office of the Town Clerk on forms to be approved by the Board of Appeals not later than thirty days after receipt of said written decision. The aggrieved person shall specifically set forth on said form the grounds of the appeal.

**D. Public Hearings.** For all appeals from decisions of the Building Inspector or for the considerations of applications for permits authorized herein, the Board of Appeals shall hold a public hearing as prescribed herein. The Clerk shall cause to be advertised in a newspaper of general circulation in the Town a notice which shall indicate the property involved, the nature of the appeal, and the time and place of public hearing; and further, the Clerk shall forthwith notify by mail the owners of properties within three hundred feet of the property for which the appeal is made. Failure to receive this notice shall in no way invalidate the proceeding herein prescribed. For the purposes of determining who are the owners of the properties, the records of the Assessors shall be conclusive.

Following the receipt of any appeal, the Clerk shall notify forthwith the Building Inspector and the Chairman of the Board of Appeals. The appeal shall be in order for hearing at the next

meeting of the Board of Appeals, following by at least seven days the publication of the notice of appeal in a newspaper of general circulation and of the mailing of notices.

The applicant for appeal shall pay to the Town Clerk (for the use of the Town) a fee of \$5.00 plus the cost of publication of the required notice.

Any permit granted by the Board of Appeals shall expire if the work or change involved is not commenced within six months of the granting of the permit, and if the work or change is not substantially completed within one year of the granting of the permit, except as otherwise provided in this Ordinance.

The Building Inspector shall attend all hearings, and may present to the Board all plans, photographs or other material he deems appropriate to an understanding of the appeal.

At any hearing a party may appear by agent or attorney.

The appellant's side of the case shall be heard first. To maintain orderly procedure, each side shall proceed without interruption. Questions may be asked through the Chairman. All persons at the hearing shall abide by the direction and order of the Chairman.

Hearings shall not be continued to other times except for good cause.

The Board of Appeals may prepare rules and orders for procedure not inconsistent with this Ordinance. When adopted, such rules and orders shall be filed in the office of the Town Clerk and be available for public inspection.

**E. Successive Appeals.** After decision has been made by the Board of Appeals, a new appeal of similar import shall not be entertained by the Board until one (1) year shall have elapsed from the date of the first decision; provided, however, that the Board of Appeals may entertain such a new appeal, if it finds, in the exercise of its sole and exclusive judgment, that, owing to a mistake of law or misunderstanding of fact the decision has done, or may have done, an injustice in the particular case. However, at the expiration of six (6) months after the date of the decision, a new appeal may be entertained if the appellant shall establish to the satisfaction of the Chairman of the Board of Appeals that a change has taken place in essential aspects of the case or new

evidence has been found of sufficient importance and of such a substantial nature as to warrant entertaining a new appeal.

#### SECTION 9. LEGAL PROVISIONS

**A. Amendments.** The Selectmen may from time to time on their own motion, or on petition, or recommendation of the Planning Board, present warrants for consideration by the Town Meeting to amend, supplement or repeal the regulations and provisions of this Ordinance, provided that:

The Selectmen by resolution adopted at a stated meeting shall fix the time and place of a public hearing on the proposed amendments and cause notice to be published in at least one newspaper of general circulation in the Town of Scarborough for not less than three consecutive days. The last date of such publication of notice shall be at least seven days before the hearing. The notice shall state the general nature of the proposed amendment as well as the text.

The Selectmen may refer proposed amendments to the Planning Board for report thereon before the public hearing.

**B. Violations.** The Building Inspector is hereby authorized to institute or cause to be instituted, in the name of the Town, any and all actions, legal or equitable that may be appropriate or necessary for the enforcement of this Ordinance; provided, however, that this section shall not prevent any person entitled to equitable relief from enjoining any act contrary to the provisions of this Ordinance.

Any person, firm, or corporation, being the owner or occupant of, or having control of, or the use of, any building or land, or part thereof, who violates any of the provisions of this Ordinance, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than five dollars and not more than fifty dollars. Each day such violation is permitted to exist after notification thereof by the Building Inspector shall constitute a separate offense.

**C. Separability.** The invalidity of any section or provision of this Ordinance shall not be held to invalidate any other section or provision of this Ordinance.

**D. Ordinances Repealed.** All Ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed. Specifically, the "Zoning Ordinance for the Town of Scarborough" adopted at the Town Meeting of March 2, 1953 and any amendments thereto are hereby repealed.

#### SECTION 10. DEFINITIONS

A. For the purpose of this Ordinance, the following terms, phrases, words, and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word 'shall' is always mandatory and not merely directory.

1. **Accessory Building or Use.** A subordinate building or use customarily incidental to and located on the same lot with the main building or use.  
An accessory use shall not include:
  - (a) Any use injurious, noxious or offensive to the neighborhood.
  - (b) any use not on the same lot as the building or use to which it is accessory.
  - (c) garage space, parking or storage space for more than one commercial motor vehicle except as accessory to a farm, truck-garden or nursery.
2. **Apartment House.** A multi-family dwelling for three or more families, each living as an independent housekeeping unit.
3. **Dwelling House.** A detached house designed for and occupied exclusively as the residence of one or two families, each living as an independent housekeeping unit.
4. **Dwelling Unit.** One or more rooms providing complete living facilities for one family including equipment for cooking or provision for the same, and including room or rooms for living, bathing, sleeping and eating.
5. **Essential Services.** The erection, construction, alteration or maintenance by public utilities or municipal departments or

commissions, of underground or overhead, gas, electrical, steam or water transmission or distribution systems, collection communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, and other similar equipment and accessories in connection therewith, but not including buildings reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or safety or general welfare.

6. **Frontage.** In the case of a lot fronting on a street, the frontage is the distance measured along the street line from one side line of the lot to the other side line.
7. **Gross Floor Area.** The sum of the areas of the several floors of the building. All dimensions shall be taken from the exterior faces of walls.
8. **Hotel.** A building used for the more or less temporary occupancy of guests who are lodged with or without meals, having six or more guest rooms, and in which no provision is made for cooking in any individual room or suite.
9. **Lot.** A parcel of land occupied or capable of being occupied by one building and the accessory buildings or uses customarily incidental to it, including such open spaces as are required by this Ordinance.
10. **Rooming House.** Any dwelling in which more than three persons either individually or as families are housed for hire with or without meals.
11. **Row House.** An attached house which is a part of a group of at least three houses, arranged in a row, such that the two side walls of each house are party walls.
12. **Seasonal Dwelling House.** A dwelling house which is occupied for not more than six months of each year.
13. **Service Garage.** A garage operated primarily for the maintenance or repair of four or more vehicles owned by one person or organization, or of the vehicles of two or more persons or organizations.
14. **Setback.** As used in this Ordinance, the shortest distance

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from a property line or the edge of a street to a building or structure.

15. **Signs**

**Identification Sign.** A sign bearing the house number and the name of the occupant or of the building, or showing the existence of an enterprise on the premises.

**Announcement Sign.** A sign that:

- (a) advertises the sale, rental, or lease of the building or premises on which it is situated.
- (b) advertises the existence or products of a non-conforming use, permitted by this Ordinance, on the premises on which it is situated.
- (c) presents information concerning or issued by a public, charitable, or religious institution on the premises.
- (d) at a junction of two or more roads, shows the direction toward or distance to some geographical area, as Higgins Beach, Blue Point, etc.

16. **Tourist Court.** A group of attached or detached buildings containing guest rooms or dwelling units, most of which have separate outside entrances and parking spaces nearby, for the accommodation primarily of transients. "Tourist court" includes 'auto court,' 'motel,' 'motor lodge,' and 'cabin.'

17. **Tourist Home.** A residence in which two or more guest rooms are used to provide overnight accommodations for transient guests.

**BUILDING CODE**

online code

## SECTION I

### Par. 1—TITLE AND SCOPE

The Building Code relates to the design, materials of construction, construction, alteration, maintenance, repair and use of buildings and structures or parts thereof all to promote the health, safety and general welfare of the occupants and users of such buildings and structures and of the public, and for the protection against catching and spreading of fires and prevention of accidents.

Buildings and structures, parts thereof and equipment in or on or in connection with buildings or structures shall not be constructed, altered, installed, repaired, maintained, used or changed as to use contrary to the provisions of this code; but the provisions of this code shall not apply to buildings or structures constructed or maintained within the limits of a public highway by public authority.

### Par. 2—SAVING CLAUSE

Nothing in this ordinance or in the code hereby adopted shall be construed to affect construction proceeding or now pending—Nor shall any right of remedy of any character be lost, impaired or affected by this ordinance.

## SECTION II

### ADMINISTRATION

Par. 1—The department will be headed by a building inspector and he may be assisted by a licensed plumber, licensed electrician and the Chief of the Fire Department.

Par. 2—The building official shall inspect all buildings or structures during construction to see that the provisions of law are complied with and that construction is prosecuted safely. Whenever in his opinion, by reason of defective or illegal work in violation of a provision of this code the continuance of a building operation is contrary to public welfare, he may order all further work to be stopped and may require suspension of work until the condition in violation has been remedied.

Par. 3—At the time of inspection, the Inspector shall issue a certificate of Inspection.

Par. 4—The Building Inspector to be appointed by Selectmen for indefinite period. He may not be removed from office except for cause and then only after hearing before the Board of Selectmen on specific charges.

### SECTION III FEES AND PERMITS

#### Par. 1—CONSTRUCTION PERMITS

No building or structure shall be built, enlarged, or moved without a permit from the Building Inspector.

Before any work governed by this code is undertaken an application must be filed for a permit from the Building Inspector. Prior to the issuing of the permit by the Building Inspector the applicant must satisfy the Building Inspector that soil conditions are or will be suitable for a sanitary absorption of waste materials from proposed septic tank if the same is to be used in conjunction with the construction work, the expense of soil surveys, such as percolation tests, that may be required will be borne by the applicant. The applicant for a building permit will provide the Building Inspector with a plan, drawn to scale, of the proposed work together with a statement of materials to be used, applicants for building permits further must provide a plot plan showing the lot boundaries and the location of the structure on the lot with relation to the lot boundaries and if the Building Inspector finds that the structure and its location will meet all requirements of this code, the Town of Scarborough Zoning Law, he will issue a building permit upon the payment of the required fee. If the applicant fails to comply with above requirements or if it appears that the proposed work does not comply with the requirements of this Code, or other Laws of the Town of Scarborough applicable to the subject the Building Inspector shall refuse to issue the Building Permit, and if requested the Building Inspector will in writing state the reason or reasons for such refusal.

No building permit or renewal thereof granted hereunder shall be valid unless the work for which it is issued is commenced within six (6) months from date of issue or renewal, and the work so commenced is completed within one (1) year; provided, that the Building Inspector may allow a greater period for the completion of said work.

#### Par. 2—CONSTRUCTION PERMIT FEES

No application for a construction Permit shall be considered to have been filed until the below stipulated fees have been paid. These fees for a construction Permit will be collected by the Building Inspector.

Base Fee	\$2.00
Area Fee	
Building unfinished on interior	.0075 Per Sq. Ft.
Building finished on interior	.01 Per Sq. Ft.
Farm Buildings Except Dwellings	.005 Per Sq. Ft.

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Maximum Fee	\$25.00
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All fees collected will be accounted for by the Building Inspector and paid to the Town Treasurer monthly.

#### SECTION IV

##### CLASSIFICATION OF OCCUPANCIES

###### Par.—CLASSES DESIGNATED

For the purposes of this code, buildings are classified, with respect to occupancy and use, as public buildings, institutional buildings, residence buildings, business buildings and storage buildings.

(a) Public building means a building in which persons congregate for civic, political, educational, religious, social or recreation purposes; including among others, armories, assembly halls, auditoriums, bath houses, bowling alleys, churches, city halls, club rooms, colleges, court houses, dance halls, exhibition buildings, grandstands, gymnasiums, lecture halls, libraries, lodge rooms, motion picture theaters, museums, passenger stations, recreation piers, restaurants, schools, skating rinks, stadiums and theaters.

(b) Institutional building means a building in which persons are harbored to receive medical, charitable or other care or treatment, or in which persons are held or detained by reason of public or civic duty, or for correctional purposes; including among others, asylums, homes for the aged, hospitals, houses of correction, infirmaries, jails, nurseries, orphanages, penal institutions, reformatories and sanitariums.

(c) Residence buildings, except when classed as an institutional building, means a building in which sleeping accommodations are provided; including among others, apartments, club houses, convents, dormitories, dwellings, hotels, motels, lodging houses, multifamily houses, studios and tenements.

(d) Business building means a building occupied for the transaction of business, for the rendering of professional services, for the display or sale of goods, wares or merchandise, or for the performance of work or labor; including among others, bakeries, banks, barber shops, chemical laboratories, creameries, electric substations, factories, gasoline service stations, ice plants, laboratories, laundries, markets, office buildings, open air stores, power plants, radio stations, smoke houses, stores, telephone exchanges, television stations and work shops.

(e) Storage building means a building for the housing, except for purely display purposes, of airplanes, automobiles, railway cars or other vehicles of transportation, for the sheltering of

horses, live stock or other animals, or exclusively for the storage of goods, wares or merchandise, not excluding in any case offices incidental to such uses; including among others, barns, cold storage, freight depots, garages, gasoline bulk stations, grain elevators, hangars and storage warehouses.

**Par. 2—MIXED OCCUPANCY**

When a minor portion of a building is used for office, study, studio or other similar purpose, the building shall be classified as to occupancy on the basis of the major use. In other cases where a building is occupied for two or more purposes not included in one class, the provisions of this code applying to each class of occupancy shall apply to such parts of the building as come within that class; and if there should be conflicting provisions, the requirements securing the greater safety shall apply.

**Par. 3—DOUBTFUL CLASSIFICATION**

In case a building is not specifically provided for or where there is any uncertainty as to its classification, its status shall be fixed by a duly advertised rule giving due regard to safety.

**SECTION V**  
**CLASSIFICATION OF CONSTRUCTION**

**Par. 1—TYPES DESIGNATED**

For the purposes of this code, construction as used in buildings shall be classified as follows:

- (a) Fireproof Construction.
- (b) Semi-fireproof Construction.
- (c) Heavy Timber Construction.
- (d) Ordinary Construction.
- (e) Noncombustible Construction.
- (f) Wood Frame Construction.
- (g) Unprotected Metal Construction.

**SECTION VI**  
**DEFINITION AND REQUIREMENTS**  
**FOR TYPES OF CONSTRUCTION**

**Par. 1—**Requirements for the following listed types of construction shall be identical to the requirements established in the 1949 Edition of the National Building Code recommended by the National Board of Fire Underwriters.

- Fireproof Construction.
- Semi-fireproof Construction.
- Heavy Timber Construction.
- Ordinary Construction.

**Noncombustible Construction.**  
**Unprotected Metal Construction.**

Par. 2.—Wood Frame Construction as applied to buildings, means that in which walls and interior construction are wholly or partly of wood.

Par. 2-A.—Walls—Framing for exterior walls shall be constructed to develop a strength and rigidity equivalent to wooden studding, not less than 2x4 inches, nominal dimensions, spaced 16 inches on centers with the larger dimension perpendicular to the wall, and braced with sheathing or diagonal bracing at the corners to secure the necessary rigidity; except that in one-story buildings studs not over 10 feet in length may be spaced not to exceed 24 inches on centers.

**Par. 3.—EXTERIOR WEATHER BOARDING AND VENEERS FOR DWELLINGS.**

All exterior wall coverings shall be of approved moisture and weather resisting materials of sufficient stiffness and properly attached to resist rain and wind.

(a) **Types of Weather Wall Coverings.**—The following materials shall be accepted as approved coverings. Brick masonry veneers, Stone veneers, Clay tile veneers, Stucco or exterior plaster, Wood siding, Protected combustible siding, Wood shingles, Exterior plywood, Asbestos shingles, Asbestos cement boards, Aluminum clapboard siding, Formed metal siding, Pre-cast stonefacing, and other materials approved by Building Inspector and the Board of Selectmen.

**Par. 2.—TABLE 1.**

Kind of Structural Member	Minimum Allowable Size in Inches, or Dressed Sizes
Sills	2 x 6
If on Masonry Foundation and grouted.	
Corner Posts—	
If extended above second floor	4 x 6
Not extended above second floor	2—2 x 4
Intermediate Posts—	
More than one story high	4 x 6
Not more than one story high	4 x 4
Girts	4 x 4 or 2—2 x 4

Ledger Boards	1 x 6
Plates	4 x 4 or 2—2 x 4
Studs—Non-bearing or non-supporting	2 x 3
Rafters and Roof Joists (see table)	2 x 4
Floor Joists (see table)	2 x 6
Cross Bridging	1 x 3

Par. 2—TABLE 2.

## MAXIMUM SPANS FOR FLOOR JOISTS

## IN RESIDENCE CONSTRUCTION

Lumber size	Spacing center to center	Maximum Clear Span			Minimum fiber stress, less than 1,000 lbs.
		Minimum fiber stress, 1,500 lbs.	Minimum fiber stress, 1,100 lbs.	Minimum fiber stress, 1,000 lbs.	
		Douglas Fir	Spruce	All other Softwoods	
	Inches	Ft. In.	Ft. In.	Ft. In.	Ft. In.
2 by 6	16	10 8	9 1	8 8	
	12	12 3	10 5	10 0	
2 by 8	16	14 1	12 1	11 6	
	12	16 2	13 10	13 2	
3 by 8	16	17 1	15 2	14 5	
	12	19 6	17 3	16 6	
2 by 10	16	17 9	15 2	14 6	
	12	20 4	17 5	16 7	
3 by 10	16	22 2	19 0	18 1	
	12	25 3	21 8	20 7	
2 by 12	16	21 4	18 3	17 5	
	12	24 5	20 11	19 11	

This table is computed on the following: Assumed live load, 40 pounds per square foot; dead load, 10 pounds per square foot.

Where the spacing of floor joists exceeds 16 inches o.c., or where the allowable fiber stress of the species of wood used is in excess of 1,500 pounds, the size and span of the joists shall be determined on the same basis as used for the table.

Par. 2.—TABLE 3.

**MAXIMUM SPANS FOR CEILING JOISTS  
FOR RESIDENCE CONSTRUCTION**

Lumber size	Spacing center to center	Maximum Clear Span		
		Minimum fiber stress, 1,500 lbs.	Minimum fiber stress, 1,100 lbs.	Minimum fiber stress, less than 1,000 lbs.
	Douglas Fir	Spruce	Hemlock	
	Southern		Cypress	All other
	Yellow Pine		Redwood	Softwoods
Inches	Ft. In.	Ft. In.	Ft. In.	
2 by 4	24	8 11	7 10	7 7
	16	10 1	8 11	8 7
	12	11 0	9 7	9 4
	24	13 8	12 1	14 2
2 by 6	16	15 4	13 6	13 1
	12	16 7	14 8	14 2
	24	17 11	15 10	15 4
2 by 8	16	20 1	17 8	17 2
	12	21 7	19 3	18 6

This table is computed on the following: Live load, None; Dead Load, 10 pounds per square foot, maximum allowable deflection of 1/360 of the span length.

Where the attic space above ceiling joists is unfinished but is usable for storage space, or if the space is suitable for finishing into future habitable rooms, the spans for the ceiling joists shall be figured the same as for floor joists.

Par. 2.—TABLE 4.

**MAXIMUM CLEAR SPANS OF RAFTER  
FOR RESIDENCE CONSTRUCTION**

(For wood and asphalt shingle roofs)

For roof with a minimum slope of 4 to 12 and not more than 12 to 12. This table is computed of the following: Assumed total live and dead load—30 pounds per square foot. Clear span shall mean the distance measured horizontally from plate to a point directly beneath the ridge. The actual rafter length will depend on the roof slope and must be determined accordingly.

Lumber size	Spacing center to center	Maximum Clear Span			Minimum fiber stress, less than 1,000 lbs.
		Douglas Fir	Southern Yellow Pine	Spruce Hemlock Cypress Redwood	
	Inches	Ft. In.	Ft. In.	Ft. In.	Ft. In.
2 by 4	24	7 1	6 0	5 9	
	20	7 10	6 8	6 4	
	16	8 7	7 4	7 0	
	12	9 10	8 5	8 1	
2 by 6	24	10 10	9 4	8 11	
	20	12 0	10 4	9 10	
	16	13 2	11 4	10 9	
	12	15 1	12 11	12 4	
2 by 8	24	14 5	12 4	11 9	
	20	15 11	13 7	13 0	
	16	17 5	14 11	14 3	
	12	19 11	17 1	16 3	

Where the allowable fiber stress of the species of wood used is in excess of 1,500 pounds, increased spans will be permitted provided they are determined on the same basis as used for this table. Rafters on roofs with slopes less than 4 to 12 shall be figured same as floor joists.

If collar ties are used on every rafter at vertical distance from the plate of not over 2/3 from the plate to ridge, the clean spans in above table may be increased 20%.

## SECTION VII

### WORKMANSHIP AND MATERIALS

Par. 1—All building materials shall be of good quality. Workmanship in the fabrication, preparation and installation of materials shall conform to generally accepted good practice.

## SECTION VIII

### FOUNDATIONS AND SILL ANCHOR BOLTS

Par. 1—Concrete footings and foundations for load bearing walls shall be of adequate dimensions to distribute the load imposed.

Par. 2—All buildings and structures to be used after construction as dwellings shall have foundation walls of poured concrete with a minimum thickness of 8", concrete blocks 8" or 12" imbedded in mortar and supported on footings of minimum size 8" deep by 16" wide (Provided that in areas which the lateral pressure from adjacent earth requires a heavier wall the wall thickness may be increased by rule of the building official) or posts or piers 8" square or 9" in diameter spaced as required by the imposed load.

Par. 3—Buildings of one story construction only may be erected on a reinforced concrete slab with a minimum thickness of 4" except on the outside walls it shall have a thickness of 8" for a width of 2' placed on a gravel or cinder or crushed rock bed at least 2' in depth.

Par. 4—Building and structures, not including those to be used as dwellings, of one story only in height, of wood construction, ordinary construction, noncombustible construction, or unprotected metal construction, and detached from other buildings, such as private garages, camps, and farm out-buildings, may be constructed on masonry or concrete posts or piers or on a reinforced concrete slab.

## SECTION IX

### EXTERIOR WALL FIRE RESISTANCE RATING

Par. 1—In buildings except private garages, an exterior wall which is less than 3 feet distant from the lot line along an adjoining area which is or may be built upon shall be of noncombustible construction having a fire resistance rating of not less than two hours; except that the material of the weather surface may be similar to that of the other exterior walls of the building.

Par. 2—An exterior wall which is less than 6 feet distant from a wall of another building of wood frame construction on the same lot, shall be of noncombustible construction having a fire resistance rating of not less than two hours; except that the material of the weather surface may be similar to that of other exterior walls of the building.

## SECTION X

### FIRESTOPPING

Par. 1—Exterior walls of wood frame construction shall be properly firestopped at each floor level, at the top story ceiling

level, at the roof level in the case of flat roofs, and at the foot of rafters in the case of sloping roofs.

Par. 2—Joints shall be firestopped at the ends and over supports for the full depth of the joists.

Par. 3—Interior stud partitions shall be firestopped at the floor and ceiling of each story by a 2-inch nominal dimension, wood plate, the width of the stud, or equivalent.

Par. 4—When sliding doors are pocketed in partitions, such pockets shall be completely firestopped at the top, bottom and ends.

Par. 5—Firestopping shall be of noncombustible material or of wood not less than  $\frac{3}{4}$  inches in thickness, nominal dimension. No firestopping shall be covered or concealed until inspected by the building official.

## SECTION XI

### ROOFING

Par. 1—Every roof hereafter placed on a building shall be covered with an approved roofing of brick, concrete, tile, slate, metal, asbestos, prepared asphalt asbestos-felt shingles, or built-up roofing finished with asphalt, slag or gravel, or other approved material.

Par. 2—Except where roofing is of a character permitting attachment direct to frame work, it shall be applied to a solid or closely fitted deck.

Par. 3—Roofings which are listed as Class A, B or C roof covering materials by Underwriters Laboratories, Inc., shall be accepted as meeting the requirements of this section.

Par. 4—The use of cork, fiber board or other approved insulation is permitted on top of the roof deck provided such insulation is covered with an approved type of fire resistive roof covering applied directly thereto.

## SECTION XII

### LIGHT AND VENTILATION

#### Par. 1—HABITABLE ROOMS

Every habitable room shall be provided with natural light and ventilation by one or more windows, opening directly on a street or on a court.

**Par. 2—OTHER ROOMS**

Every room, other than a habitable room, used or occupied by persons, except storage rooms with infrequent occupancy, shall be provided with one or more windows or ventilating skylights opening directly on a street or on a court; or such rooms shall be provided with an approved means of mechanical ventilation.

**Par. 3—WINDOWS**

The aggregate glass area of windows required by this section shall be not less than 1/10 of the floor area of the room served by them; provided that in habitable rooms such glass area shall be not less than 10 square feet, and in bathrooms it shall be not less than 3 square feet.

**Par. 4—Windows or other openings required for ventilation shall have an aggregate openable area of at least 50 per cent of the glass area required for lighting.**

**SECTION XIII  
MEANS OF EGRESS**

**Par. 1—Buildings hereafter erected, except dwellings, shall be provided with exit facilities in accordance with the requirements of the National Building Code, approved by the National Board of Fire Underwriters. No building shall be altered so as to reduce the number or capacity of exits to less than required for new buildings.**

**SECTION XIV  
CHIMNEYS, FLUES AND VENTS****Par. 1—FLUE CONNECTIONS REQUIRED**

Every heating apparatus or heat producing appliance requiring a flue connection shall be connected with a flue conforming to the provisions of this section.

**Par. 2—USE OF NONCONFORMING FLUES**

Flues not conforming to the requirements of this section for chimneys, nor with generally accepted good practice for metal smokestacks, shall not be used unless listed by Underwriters Laboratories, Inc., and installed in full compliance with the listing and the manufacturer's instruction.

**Par. 3—CONSTRUCTION**

Chimneys shall extend at least 2 feet above the highest point where they pass through the roof of the building and at least 2 feet higher than any ridge within 10 feet of such chimney.

No chimney shall be corbeled from a wall more than 6 inches; nor shall a chimney be corbeled from a wall which is less than 12 inches in thickness unless it projects equally on each side of the wall; provided that in the second story of a 2-story dwelling corbelling of chimneys on the exterior of the enclosing walls may equal the wall thickness. In every case the corbelling shall not exceed one inch projection for each course of brick projected.

No change in the size or shape of a chimney, where the chimney passes through the roof, shall be made within a distance of 6 inches above or below the roof joists or rafters.

**Par. 4—CHIMNEYS FOR HEATING APPLIANCES, LOW HEAT INDUSTRIAL APPLIANCES AND PORTABLE TYPE INCINERATORS**

Chimneys for stoves, cooking ranges, warm air, hot water and low pressure steam heating furnaces, fireplaces, and low heat industrial appliances, other than chimneys for incinerators of non-portable types, shall be constructed of solid masonry units or of reinforced concrete. The walls shall be properly bonded or tied with corrosion resistant metal anchors. In dwellings and buildings of like heating requirements the thickness of the chimney walls shall be not less than 4 inches. In other buildings the thickness shall be not less than 8 inches, except that rubble stone masonry shall be not less than 8 inches thick.

Every such chimney hereafter erected or altered shall be lined with flue lining conforming to the requirements below.

Flue linings shall be made of fire clay or other refractory clay which will withstand the action of flue gasses and resist without softening or cracking, the temperatures to which they will be subjected, but not less than 2,000 Fahrenheit, or of cast iron of approved quality, form and construction.

Required clay flue linings shall be not less than  $\frac{1}{2}$  of an inch thick for the smaller flues and increasing in thickness for the larger flues.

Flue linings shall be installed ahead of the construction of the chimney as it is carried up, carefully bedded one on the other with close fitting joints left smooth on the inside.

Flue linings shall start from a point not less than 8 inches below the instake, or, in the case of fireplaces, from the throat of the fireplace. They shall extend, as nearly vertically as possible, for the entire height of the chimney and be extended 4 inches above the top or cap of the chimney.

Cleanouts for flues of fireplaces shall be equipped with cast iron doors and frames arranged to remain tightly closed when not in use.

When two or more flues are contained in the same chimney, at least every third flue shall be separated by masonry at least 4 inches thick bonded into the masonry wall of the chimney. Where flue linings are not so separated, the joints of adjacent flue linings shall be staggered at least 7 inches.

#### Par. 5—FIREPLACES

The back and sides of fireplaces hereafter erected shall be of solid masonry or reinforced concrete, not less than 8 inches in thickness. A lining of fire brick at least 2 inches thick or other approved material shall be provided unless the thickness is 10 inches.

Fireplaces shall have hearths of brick, stone, tile or other approved noncombustible material supported on a fireproof slab or on brick trimmer arches. Such hearths shall extend at least 18 inches outside of the chimney breast and not less than 12 inches beyond each side of the fireplace opening along the chimney breast. The combined thickness of hearth and supporting construction shall be not less than 6 inches at any point.

Wooden forms or centers used in the construction of that part of the supporting construction which is below the hearth of the fireplace shall be removed when the supporting construction of the hearth is completed.

Space of 1 inch minimum must be provided between a chimney and joists, beams or girders and any such space between a combustible material and a chimney shall be firestopped by filling with a noncombustible material. Flue pipes must be 18 inches below any combustible materials and flue pipes entering chimneys through a wall shall have a clearance of at least 3 inches protected by a metal thimble.

### SECTION XV

#### HEATING, VENTILATING, and AIR CONDITIONING HEAT PRODUCING APPLIANCES, HEATING, VENTILATING, AIR CONDITIONING, BLOWER AND EXHAUST SYSTEMS

Par. 1—Installation Standards—Heat producing appliances and systems (including incinerators) hereafter installed shall be installed in accordance with standard practices for safe installation and use without danger of overheating combustible material or construction. Ventilating, air conditioning, blower and exhaust systems hereafter installed shall be installed in accordance with standard practices for safe installation and use with all features presenting a possibility of starting or spreading a

fire safeguarded to a reasonable degree. Except as otherwise provided in this code installation of such appliances and systems in accordance with the "Building Code Standards of the National Board of Fire Underwriters for the Installation of Heat Producing Appliances, Heating, Ventilating, Air Conditioning, Blower and Exhaust Systems" shall be deemed to be the standard practice for safe installation and use.

**Par. 2—BOILER AND FURNACE ROOMS**

(a) Heating boiler and furnace rooms in public buildings, institutional buildings, places of assembly, hotels, and multi-family houses shall be separated from other parts of the building by construction having fire resistance rating of not less than one hour.

(b) Boiler rooms housing one or more steam boilers carrying more than 15 pounds pressure with a rating of more than 10 boiler horsepower, shall be separated from the rest of the building by noncombustible construction having a fire resistance rating of not less than 2 hours, with door openings protected by approved fire doors.

**SECTION XVI**  
**SPECIAL OCCUPANCY REQUIREMENTS**

**Par. 1—INSTITUTIONAL BUILDINGS**

(a) Institutional buildings for occupants involuntarily detained or bedridden shall be of fireproof construction or semi-fireproof construction, or wood frame construction, if sprinklered and not over one story in height.

(b) Institutional buildings for occupants which are not involuntarily detained or bedridden, when of other than fireproof construction or semi-fireproof construction, shall not exceed 2 stories in height and shall have floors and partitions with fire resistance ratings of not less than one hour and with fire retardant ceilings under roofs, and if of wood frame construction shall not exceed 1 story in height, provided that buildings converted from another occupancy to such occupancy shall be exempt from these restrictions if sprinklered.

**Par. 2—THEATERS AND MOTION PICTURE THEATERS**

(a) Theaters and motion picture theaters shall be of fireproof construction or semi-fireproof construction, except that portions of such buildings not over 1 story or over 45 feet in height may have combustible roof construction if protected by retardant ceilings.

(b) No theater or motion picture theater shall be located within or attached to a building of other occupancy unless it is

separated from such other occupancies by walls and floors of noncombustible construction having fire resistance ratings of not less than 3 hours.

**Par. 3—**

Schools, colleges, assembly halls, dance halls, bowling alleys, and auditoriums, over one story in height, shall have floors of not less than one hour fire resistance.

**Par. 4—WALL AND CEILING FINISH**

In public buildings and institutional buildings, and in all places of assembly and exit ways therefrom, no combustible materials shall be used as interior wall or ceiling finish which is of such a nature that flame will spread over its surface more rapidly than over one-inch (nominal) wood boards covered with ordinary paint or varnish.

**Par. 5—BUSINESS AND RESIDENCE SEPARATION**

In buildings of other than fireproof or semi-fireproof construction portions classified as of business occupancy shall be separated from portions classified as of residence occupancy by partitions having a fire resistance rating of not less than one hour and by fire retardant ceilings, unless the business portion is sprinklered.

**Par. 6—SEPARATION OF DWELLINGS**

Walls or partitions separating 2 or more dwellings of other than fireproof or semi-fireproof construction shall consist of a form of construction having a fire resistance rating of not less than 1 hour.

**Par. 7—PARTITIONS IN MULTIFAMILY HOUSES**

In multifamily houses partitions separating apartments or apartments from hallways or apartments from other occupancies and partitions shall have a fire resistance rating of not less than one hour, with openings equipped with approved fire doors or with substantial metal or metal covered doors or solid wooden doors of the flush type of nominal thickness of not less than 1½ inches.

**Par. 8—GARAGES**

Garages, buildings, sheds, enclosures or parts thereof in which motor vehicles are stored, housed or kept containing a floor area of 600 square feet or less may be attached to a residence building or a business building if separated from other occupancies by walls, partitions, and ceilings of materials to restrict passage of gases, smoke and odor from the garage to other parts of the building. Materials must be applied on the

garage side of studs, ceiling joist and or rafters, and if wall-boards are used all seams must be butted on joist or stud with joints filled and closed.

Garages exceeding 600 square feet in area or of any area and used for repair or maintenance of vehicles, will conform to the requirements of the National Building Code as recommended by the National Board of Fire Underwriters.

## SECTION XVII

### PLUMBING INSTALLATIONS

**Par. 1—The water supply, plumbing, drainage and sewage disposal systems of a building or structure shall be installed in conformity with State of Maine requirements for the same, and in accord with Code and only after a permit is issued by the Plumbing Inspector and the stipulated fee has been paid.**

#### **Par. 2—INSPECTION AND TESTS**

All piping, traps and fixtures of a plumbing system shall be inspected by the Plumbing Inspector and tested in his presence. The Plumbing Inspector shall be notified in advance of the time of inspection before any concealed piping or traps are covered up and when the completed installation is ready for final inspection.

#### **Par. 3—OPENINGS AROUND PIPES AND DUCTS**

All openings around conduits, pipes or ducts shall be filled with approved noncombustible material or shall be closed off by close fitting noncombustible material at the ceiling and floor line or on each side of the wall.

#### **Par. 4—PLUMBING PERMIT FEES**

Plumbing permit fees, for fixtures, listed below, collected will be accounted for by the Plumbing Inspector, as required by the State of Maine and his services and material incident to his appointment will be paid for as directed by the Laws of the State of Maine. Base fees and special fees for the inspection of drain fields and absorption beds will be accounted for by the Plumbing Inspector in a monthly recapitulation of the collections submitted to the Town.

Per plumbing fixture up to a total of five (5) fixtures	\$1.00 each
To 25 fixtures for each additional fixture	.30 each
Over 30 fixtures for each additional fixture	.12 each
Minimum Fee	3.00

Par. 5—All private and commercial establishments in the Business and Industrial Districts of the Town shall be equipped with running water and toilet and other sanitary facilities to be installed in accordance with the Statutes of the State of Maine.

## SECTION XVIII

### ELECTRICAL INSTALLATIONS

Par. 1—All electrical wiring, apparatus, or appliances for furnishing light, heat, or power shall be in strict conformity with the statutes of the State of Maine and in conformity with approved methods of construction for safety to life and property. The regulations in the National Electrical Code, as approved by the National Board of Fire Underwriters shall be *prima facie* evidence of such approved methods.

#### Par. 2—ELECTRICAL PERMITS

No wiring in new construction or in existing structures shall be installed without first obtaining a permit from the Electrical Inspector. Electrical permits will be in force only after payment of the stipulated permit fee. In cases of wiring in new construction, no connection to the source of power supply shall be made unless and until the Electrical Inspector shall have examined the completed installation, and approved of the material and workmanship of the installation, or until a permit has been issued to the Public Service Co.

#### Par. 3—ELECTRICAL PERMIT FEES

Electrical permit fees, listed below, collected will be accounted for by the Electrical Inspector in a monthly recapitulation of the collections submitted to the Town.

#### ELECTRICAL FEES

Fixtures or outlets 1-24	\$1.50
25-50 fixtures or outlets	2.00
Over 50 fixtures or outlets each additional	.10
Service renewal	1.00
Meter relocation or addition	1.00
Range and appliance wiring to 3 KW	1.00
Over 3 KW to 8 KW	1.50
Over 8 KW each KW or fraction	.10
Motor installation to 10 HP	.75
Over 10 HP to 25 HP	1.00
Over 25 HP to 100 HP	2.00

Over 100 HP	3.00
Signs and outline wiring 1800W or less	.75
Over 1800W	1.00

## SECTION XIX

### FIRE PREVENTION

#### Par. 1—AUTHORITY TO ENTER PREMISES

The Chief of the Fire Department or any member of the fire department designated by him as an inspector may, at all reasonable hours, enter any building or premises for the purpose of making any inspection, which under the provision of this code he or they deem necessary to be made.

#### Par. 2—CORRECTION OF HAZARDOUS CONDITIONS

Whenever the Chief of the Fire Department or any member of the Fire Department designated by him as an inspector shall find in any building or upon any premises or other place, combustible or explosive matter or dangerous accumulation of rubbish or unnecessary accumulation of waste paper, boxes, shavings or any highly flammable materials, and so situated as to endanger property, or shall find obstructions to or on fire escapes, stairs, corridors or doors, liable to interfere with the operation of the fire department, or egress of occupants, in case of fire, he shall order the same to be removed or the conditions remedied.

#### Par. 3—COMPLIANCE WITH ORDERS OF THE FIRE DEPARTMENT

Such order shall forthwith be complied with by the owner or occupant of such premises or buildings, subject to appeal within twenty-four hours to the Municipal Officers, who shall within 10 days review such order and file a decision thereon, and unless the order is revoked or modified it shall remain in full force and be obeyed by such owner or occupant. Any owner or occupant failing to comply with such order within ten days after said appeal shall have been determined, or if no appeal is taken, then within ten days after the service of said order, shall be liable to a penalty as hereinafter stated.

#### Par. 4—STORAGE OF FUEL OIL IN BUILDINGS

The storage of Furnace Fuel Oils and Kerosene in buildings, in connection with oil burning equipments shall be in accordance with the following. Oil supply tanks larger than 60 gal-

lons capacity shall not be located in buildings above the lowest story or basement. Tanks of not over 275 gallons individual capacity and having an aggregate capacity not in excess of 550 gallons may be installed without enclosures. Other tanks shall be installed in an enclosure or casing constructed as follows:

The walls of the enclosure shall be constructed of reinforced concrete at least 6 inches thick or of brick or block at least 8 inches thick. Such enclosures shall be installed only on concrete or other fire-resistive floors and shall be bonded to the floors. Enclosures shall have tops of reinforced concrete at least 5 inches thick or equivalent fire-resistive construction, except that where floor or roof construction above the enclosure is concrete or other fire-resistive construction the walls may be extended to and bonded to the underside of the construction above in lieu of the provision of a separate top. Any openings to such enclosures shall be provided with fire doors or other approved closures. Provision shall be made for adequate ventilation of such enclosures prior to entering for inspection or repair on tanks.

Instead of an enclosure as above described the tank may be encased in reinforced concrete not less than 6 inches in thickness, applied directly to the tank so as to completely eliminate any air space.

Fuel oil tanks shall be located a minimum of (7) seven feet from any type of heat producing equipment.

#### Par. 5—BONFIRES

Permits for burning of trash, lumber, leaves or other combustible material shall be obtained from the Fire Warden as required by law of the State of Maine.

#### Par. 6—FLAMMABLE DECORATIONS

Paper and other readily flammable materials shall not be used for decorative purposes in any place of assembly, unless such materials have first been treated to render them flame-proof to the satisfaction of the Chief of the Fire Department.

#### Par. 7—FIRE PREVENTION PERMITS

Permits shall be obtained in writing from the Fire Department through the designated representative and permits will be in force for a period as directed by the Chief of the Fire Department for:

- (a) Storage of calcium carbide in excess of one hundred pounds.

- (b) Storage of hay, straw, excelsior and other combustible fibers in excess of one ton, provided that no permits will be required for storage on farm property.
- (c) Storage of corrosive acids in excess of ten gallons.
- (d) Storage of chlorates or other oxidizing chemicals in excess of ten pounds.
- (e) Storage or handling of pyroxylin plastic in excess of twenty pounds unless wrapped or packed for sale.
- (f) Use of stationary acetylene generators.
- (g) Use of compressed gas from cylinders in excess of four hundred cubic feet aggregate capacity.
- (h) A finishing shop where paint, varnish or lacquer is applied by spraying or dipping in quantity in excess of one gallon on any working day.
- (i) Use of refrigeration systems containing twenty pounds or more of refrigerant other than air or water.
- (j) Use of any building or structure for the business of servicing or repairing any motor vehicle.
- (k) Storage, handling or use of any flammable liquids, this meaning all liquids other than liquefied petroleum gases, that have flash points below 200 degrees Fahrenheit as determined by a closed cup tester.
- (l) Storage, handling or use of any liquefied petroleum gases meaning and including any material which is composed predominantly of any of the following hydrocarbons, or mixtures of them—propane, propylene, butane, iso-butane and butylene.
- (m) Storage, handling or use of any dry cleaning equipment, dry dyeing equipment or materials used in conjunction with this type of work.
- (n) Commercial storage, handling or use of nitrocellulose motion picture film.
- (o) Storage, handling or use of all types of explosives, except small arms ammunition.
- (p) Storage, handling or use of any pyrotechnics, commonly known as "fireworks" including all forms as well as blank cartridges.

In all of the above cases the applicant for a permit must store, handle, and use materials for items listed above so as to comply with requirements of the 1947 Edition of the Suggested Fire Prevention Ordinance recommended by the National Board of Fire Underwriters and to the satisfaction of the Fire Department.

## SECTION XX

### APPEAL

Par. 1—In case of refusal to issue a permit or amendment thereof, appeal shall lie from the decision of the Inspector to the Municipal Officers. The Municipal Officers may affirm or reverse the decision of the Inspector as to interpretation of the provisions of this Code. In specific cases wherein the enforcement of this Code would involve practical difficulty or unnecessary hardship and wherein desirable relief may be granted without substantially departing from the intent and purpose of this Code, but not otherwise, the Municipal Officers may, by a two-thirds vote of their membership, permit exceptions to and variations from the provisions of this Code.

Par. 2—The Selectmen with the advice of the Department of Building Inspection, the Fire Department and the Planning Board shall have authority to regulate the cost of inspection and permits under this code; to regulate standards of design and construction materials so that the requirements of this code will conform to the statutes of the State of Maine, and may conform to the State Building Code and to the several codes relating hereto as approved and published by the National Board of Fire Underwriters.

## SECTION XXI

### PENALTIES AND LEGAL PROCEEDINGS

Par. 1—Any person or persons, firm or corporation being the owner, or having control of any building or structure or part thereof, which violates any of the provisions of this Ordinance, or fails to conform to any of the provisions thereof, or fails to obey any order of any officer charged with the enforcement of the provisions of this Ordinance in relation to the matters and things herein contained; or any architect, engineer, contractor, builder, sub-contractor, foreman, plumber, electrician, employee, or other person who shall assist in the violation of this Ordin-

nance, or of any certificate, order or permit issued thereunder, shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not less than \$5.00 nor more than \$50.00. Each and every day on which the person or persons, firm or corporation continues to violate the provisions of this Ordinance, after having been notified of such violation, shall constitute a separate offense.

Whenever the Inspector or other employee of the Town, charged with the enforcement of any part of this Code, is satisfied that any provision thereof, or any law in force by the Town applicable to the same subject matter, has been violated in any respect, or that any order or direction made in pursuance of this Code has not been complied with; and whenever he is satisfied that civil proceedings will lie either for the enforcement of said law, to restrain or to correct the violation thereof, or to prevent the occupancy or use of any building or other structure, as herein provided, that is being constructed, altered or maintained in violation of this Ordinance, he shall apply to the Selectmen for the purpose of instituting civil proceedings. Civil proceedings shall be brought in the name of the Town of Scarborough provided, that nothing in this section, and no action taken thereunder shall be held to exclude such criminal proceedings as may be authorized by this Code or by any laws or ordinance in force in the Town of Scarborough, or to exempt anyone violating this Code or any of the said laws from any penalty which may be incurred.

## SECTION XXII

### VALIDITY AND APPLICATION

Par. 1—Should any section, or part thereof, of this code be declared by the courts to be invalid, the same shall not affect the validity of this code as a whole or any part thereof, other than the part so declared to be invalid and all laws or parts of laws of this Town in conflict with this Code are hereby repealed but only to the extent of such conflict.

## SECTION XXIII

### EFFECTIVE DATE

Par. 1—This Code as here written shall take effect and be in force from and after its adoption by the Town of Scarborough, Maine.

